

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 10796 of 1997

Between:

- 1 TummalaGangadhar Rao S/o. Venkatramaih,Agriculture
R/o. Khankhan pet Kallur Village and mandal
Khammam Dist.
- 2 Manala Veera Bhadra Rao S/o.Krishnamurthy,Agriculture
R/O. Khankhan pet Kallur Village and Mandal ,Khamman

Dist

- 3 Anumolu Indira w/o Krishna Rao, aged 23 years,Occupation,

Household

- 4 Gurram Venkateswara Rao s/o China Kotaiah,aged 32 years,

Occupation Agriculture

- 5 Anumolu Nirmala w/o Mutta Rao, aged 39 years, Occupation

Agriculture

6. Miriyala Koteswara Rao s/o Nagabhushanam,aged 37 years,

Occupation Agiruclutre.

(All are residents of Khankhanpet, Kallur village and Mandal,

Khammam District.)

..... PETITIONERS

AND

- 1 The Dist Collector ,Khammam
- 2 The Revenue Divisional Officer ,Khammam
- 3 The Mandal Revenue Officer ,Kallur Mandal Khammam Dist

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ of direction preferably writ of mandamus declaring the action of the respondent and their staff from interfering with the peaceful possession and enjoyment of the petitioners from the lands in Survey No. 5/1 A&E situated at Khankhan pet, Kallur Village and Mandal, Khammam District without any notice is illegal, arbitrary and violates the principles of natural justice and consequently direct the respondents not to dispossess the petitioners from their respective lands except in due course of law in the interest of justice.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed seeking for issuance of writ or direction preferably in the nature of writ of Mandamus declaring the action of the respondent and their staff from interfering and trying to dispossess the petitioners from the lands

in Survey No. 5/1 A&E situated at Khankhanpet, Kallur Village and Mandaal, Khammam District, without notice as illegal and arbitrary and violation of the principles of natural justice and consequently, to direct the respondent not to dispossess the petitioners from their respective lands except in due course of law and pass other orders.

This Court in WPMP No.130796 of 1997 dated 13-5-1997 granted interim stay of dispossession. It is stated that the petitioners are the absolute owners and they are in possession and enjoyment of the lands, which are narrated in detail in the affidavit filed in support of the writ petition. It is also stated that they purchased the said lands through registered sale deeds. It is specifically averred that the Revenue authorities, at the instance of the local leaders, have been creating problems and disturbing their possession on some pretext or other. In view the same, this writ petition was filed and the aforesaid interim stay had been obtained by the petitioners.

In view of the said interim stay, the writ petition is disposed of with a direction to the respondents to put the petitioners on notice before initiating any action and not to disturb the possession of the petitioners in relation of the lands specified in the writ petition, except by following the due process of law. No costs.

20-12-2004

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To

- 1 The Dist Collector ,Khammam
- 2 The Revenue Divisional Officer ,Khammam
- 3 The Mandal Revenue Officer ,Kallur Mandal Khammam Dist
- 4 Two CCs to GP for Revenue, High Court buildings, Hyderabad

(OUT)

- 5 Two CD copies.